

House File 2235 - Introduced

HOUSE FILE 2235

BY WESTRICH

A BILL FOR

- 1 An Act relating to writing fees required for certain
- 2 all-terrain vehicle, snowmobile, and water vessel
- 3 transactions completed by a county recorder.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321G.27, subsection 1, paragraphs a, b,
2 and c, Code 2022, are amended by striking the paragraphs.

3 Sec. 2. Section 321G.27, subsection 1, Code 2022, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *Od.* The county recorder shall collect a
6 writing fee of one dollar twenty-five cents for each privilege
7 under this chapter.

8 Sec. 3. Section 321G.29, subsection 3, Code 2022, is amended
9 to read as follows:

10 3. An owner of a snowmobile shall apply to the county
11 recorder for issuance of a certificate of title within thirty
12 days after acquisition. The application shall be on forms
13 the department prescribes and accompanied by the required fee
14 specified in section 321G.30 and the writing fee specified in
15 section 321G.27. The application shall include a certification
16 signed in writing containing substantially the representation
17 that statements made are true and correct to the best of the
18 applicant's knowledge, information, and belief, under penalty
19 of perjury. The application shall contain the date of sale
20 and gross price of the snowmobile or the fair market value if
21 no sale immediately preceded the transfer and any additional
22 information the department requires. If the application is
23 made for a snowmobile last previously registered or titled in
24 another state or foreign country, the application shall contain
25 this information and any other information the department
26 requires.

27 Sec. 4. Section 321G.31, Code 2022, is amended to read as
28 follows:

29 **321G.31 Transfer or repossession by operation of law.**

30 1. If ownership of a snowmobile is transferred by
31 operation of law, such as by inheritance, order in bankruptcy,
32 insolvency, replevin, or execution sale, the transferee, within
33 thirty days after acquiring the right to possession of the
34 snowmobile, shall mail or deliver to the county recorder of
35 the transferee's county of residence satisfactory proof of

1 ownership as the county recorder requires, together with an
2 application for a new certificate of title, and the required
3 fee, plus the writing fee specified in section 321G.27.

4 However, if the transferee is the surviving spouse of the
5 deceased owner, the county recorder shall waive the required
6 fee fees.

7 2. If a lienholder repossesses a snowmobile by operation of
8 law and holds it for resale, the lienholder shall secure a new
9 certificate of title and shall pay the required fee, plus the
10 writing fee specified in section 321G.27.

11 Sec. 5. Section 321G.32, subsection 1, Code 2022, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. c. The application shall be accompanied by
14 the writing fee specified in section 321G.27.

15 Sec. 6. Section 321I.29, subsection 1, paragraphs a, b, and
16 c, Code 2022, are amended by striking the paragraphs.

17 Sec. 7. Section 321I.29, subsection 1, Code 2022, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *0d.* The county recorder shall collect a
20 writing fee of one dollar twenty-five cents for each privilege
21 under this chapter.

22 Sec. 8. Section 321I.31, subsection 3, Code 2022, is amended
23 to read as follows:

24 3. An owner of an all-terrain vehicle shall apply to
25 the county recorder for issuance of a certificate of title
26 within thirty days after acquisition. The application shall
27 be on forms the department prescribes and accompanied by the
28 required fee specified in section 321I.32 and the writing fee
29 specified in section 321I.29. The application shall include a
30 certification signed in writing containing substantially the
31 representation that statements made are true and correct to the
32 best of the applicant's knowledge, information, and belief,
33 under penalty of perjury. The application shall contain the
34 date of sale and gross price of the all-terrain vehicle or the
35 fair market value if no sale immediately preceded the transfer

1 and any additional information the department requires. If the
2 application is made for an all-terrain vehicle last previously
3 registered or titled in another state or foreign country,
4 the application shall contain this information and any other
5 information the department requires.

6 Sec. 9. Section 321I.33, Code 2022, is amended to read as
7 follows:

8 **321I.33 Transfer or repossession by operation of law.**

9 1. If ownership of an all-terrain vehicle is transferred by
10 operation of law, such as by inheritance, order in bankruptcy,
11 insolvency, replevin, or execution sale, the transferee,
12 within thirty days after acquiring the right to possession of
13 the all-terrain vehicle, shall mail or deliver to the county
14 recorder of the transferee's county of residence satisfactory
15 proof of ownership as the county recorder requires, together
16 with an application for a new certificate of title, and
17 the required fee, plus the writing fee specified in section
18 321I.29. However, if the transferee is the surviving spouse
19 of the deceased owner, the county recorder shall waive the
20 required fee fees.

21 2. If a lienholder repossesses an all-terrain vehicle by
22 operation of law and holds it for resale, the lienholder shall
23 secure a new certificate of title and shall pay the required
24 fee, plus the writing fee specified in section 321I.29.

25 Sec. 10. Section 321I.34, subsection 1, Code 2022, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. c. The application shall be accompanied by
28 the writing fee specified in section 321I.29.

29 Sec. 11. Section 462A.53, Code 2022, is amended to read as
30 follows:

31 **462A.53 Amount of writing fees.**

32 A writing fee of one dollar ~~and~~ twenty-five cents for each
33 privilege shall be collected by the county recorder.

34 Sec. 12. Section 462A.77, subsection 4, Code 2022, is
35 amended to read as follows:

1 4. Every owner of a vessel subject to titling under this
2 chapter shall apply to the county recorder for issuance of a
3 certificate of title for the vessel within thirty days after
4 acquisition. The application shall be on forms the department
5 prescribes, and accompanied by the required fee specified
6 in section 462A.78 and the writing fee specified in section
7 462A.53. The application shall be signed and shall include a
8 certification signed in writing containing substantially the
9 representation that statements made are true and correct to the
10 best of the applicant's knowledge, information, and belief,
11 under penalty of perjury. The application shall contain
12 the date of sale and gross price of the vessel or the fair
13 market value if no sale immediately preceded the transfer, and
14 any additional information the department requires. If the
15 application is made for a vessel last previously registered or
16 titled in another state or foreign country, it shall contain
17 this information and any other information the department
18 requires.

19 Sec. 13. Section 462A.82, subsections 1 and 2, Code 2022,
20 are amended to read as follows:

21 1. If ownership of a vessel is transferred by operation of
22 law, such as by inheritance, order in bankruptcy, insolvency,
23 replevin, execution sale, or in compliance with [section 578A.7](#),
24 the transferee, within thirty days after acquiring the right
25 to possession of the vessel by operation of law, shall mail or
26 deliver to the county recorder satisfactory proof of ownership
27 as the county recorder requires, together with an application
28 for a new certificate of title, and the required fee, plus the
29 writing fee specified in section 462A.53. A title tax is not
30 required on these transactions. However, if the transferee is
31 the surviving spouse of the deceased owner, the county recorder
32 shall waive the required fee fees.

33 2. If a lienholder repossesses a vessel by operation of
34 law and holds it for resale, the lienholder shall secure a new
35 certificate of title and shall pay the required fee, plus the

1 writing fee specified in section 462A.53.

2 Sec. 14. Section 462A.84, subsection 1, Code 2022, is
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. *c.* The application shall be accompanied by
5 the writing fee specified in section 462A.53.

6	EXPLANATION
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7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to writing fees required for certain all-
10 terrain vehicle, snowmobile, and water vessel transactions
11 completed by a county recorder.

12 WATER VESSELS. Under current law, a county recorder
13 collects a writing fee of \$1.25 for "each privilege" under
14 Code chapter 462A (water navigation regulations). A writing
15 fee is paid by the boat owner to the county recorder for
16 handling the transaction. The writing fee is specifically
17 required with applications for registration, including new
18 or duplicate certificates of registration (Code section
19 462A.5). The writing fee is also specifically required for
20 transfers of ownership of vessels with an expired registration,
21 due when the transferee pays all applicable fees for the
22 current registration period (Code section 462A.43), and with
23 applications for transfer (Code section 462A.44). The writing
24 fee is not specifically mentioned for applications for issuance
25 of a certificate of title (Code section 462A.77), which
26 requires the application to be accompanied by the required
27 fee. The required fee for issuance of a certificate of title,
28 a transfer of title, a duplicate, or a corrected certificate
29 of title is \$5 plus a surcharge of \$5 (Code section 462A.78).
30 Likewise, the writing fee is not specifically mentioned for
31 perfection of a security interest, for which the application
32 fee is \$5 (Code section 462A.84). The bill specifies that
33 applications for a certificate of title or perfection of a
34 security interest are subject to the writing fee.

35 SNOWMOBILES AND ALL-TERRAIN VEHICLES. In contrast to water

1 vessels, the writing fee provisions for snowmobiles and all-
2 terrain vehicles explicitly impose the \$1.25 writing fee only
3 for registration or renewal, user permits, and duplicate
4 special registration certificates (Code sections 321G.27 and
5 321I.29). The bill alters these provisions to instead apply
6 to "each privilege" under the respective Code chapter, and
7 specifies that applications for a certificate of title or
8 perfection of a security interest are subject to the writing
9 fee.

10 Current law provides that a license agent shall collect a
11 writing fee of \$1 for each snowmobile or all-terrain vehicle
12 registration or renewal and for the sale of each user permit.
13 The bill does not amend these provisions.